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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EVANISKO, LESLIE J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/636,120
Filing Date: August 07, 2003
Appellant(s): OROZCO-ABUNDIS, GERARDO

James L. Baudino
For Appellant

EXAMINER'S ANSWER

MAILED

JUL 21 2006

GROUP 2800

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JUL 17 2006

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This is in response to the appeal brief filed March 31, 2006 appealing from the Office action mailed November 2, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

***It is noted that the claims were improperly rejected under 35 USC 102(e) instead of 35 USC 102(b). Therefore, the below rejection has been modified to use the appropriate section of the statute. All other aspects of the prior art rejections remain the same as those set forth in the Office Action dated November 2, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakeman (US 4,150,896). Insofar as structure is recited, Wakeman teaches the claimed invention. Figures 5 and 6 of Wakeman teach an image capture device 23, comprising a housing 21, and at least one telescopic hinge, shown generally at 35 (comprising elements 30, 31, 33, segment A) operable to couple a lid 36 to the housing 21. See the marked-up copy of Figure 6 below. The applicant should note that with respect to the requirement for a telescopic hinge Wakeman teaches cylindrical hinge element 31 that slides inward or outward in an overlapping manner with the second cylindrical member (see marked-up Figure below), as the cylindrical sections of a small hand telescope do. This is all that is required to meet this particular claim limitation.

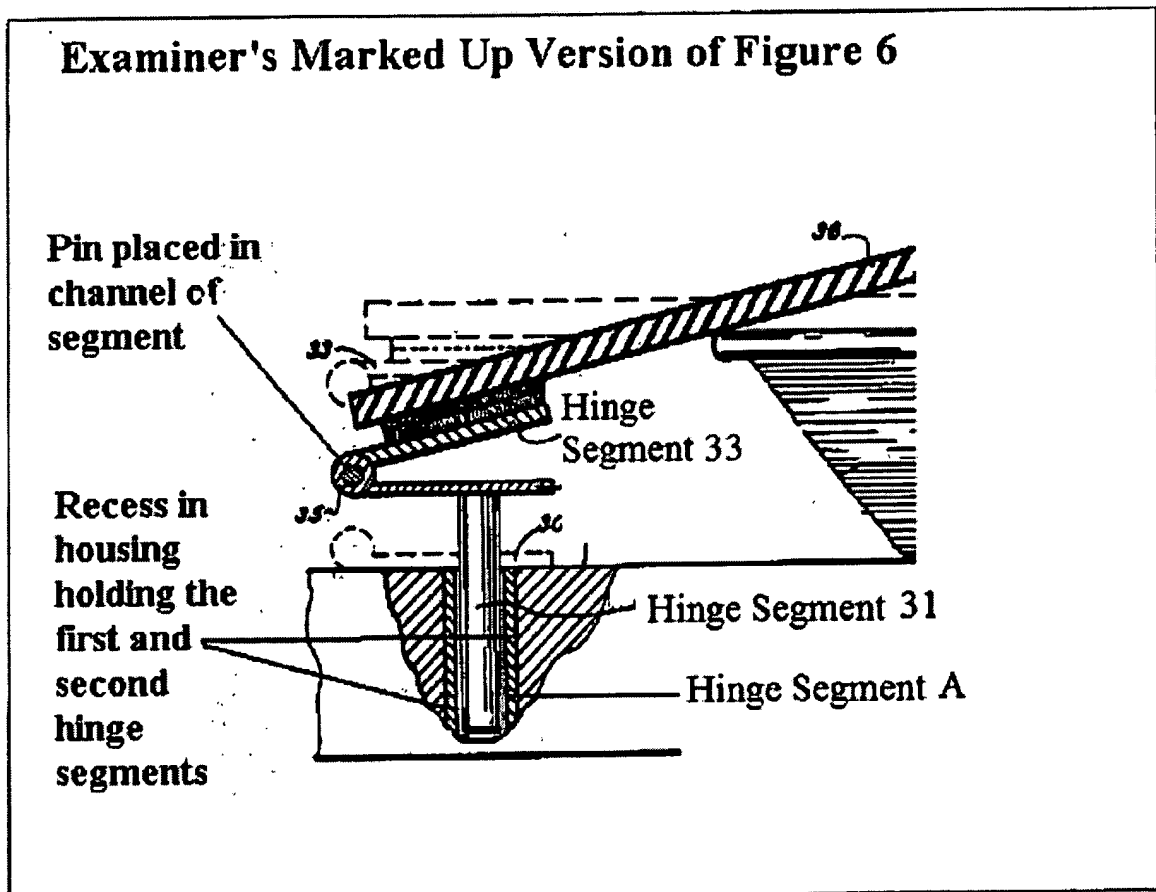
With respect to claim 2, in the apparatus of Wakeman, the hook and loop arrangement 41 illustrated in Figure 6 provides a releasable coupling of the lid 36 to the housing 21.

With respect to claim 3, Figure 6 of Wakeman shows at least one slot (recess) 32 in the housing 21, the at least one slot 32 operable to engage with at least a portion (hinge segment A) of the at least one telescopic hinge 35 to prevent inadvertent decoupling of the at least one telescopic hinge 35 from the housing 21 (see Examiner's Marked-up Figure below).

With respect to claim 4, Figure 6 of Wakeman illustrates the housing 21 having at least one recess 32 corresponding to the at least one telescopic hinge 35 (see Marked-up Figure below).

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With respect to claim 5, Figure 5 of Wakeman illustrates the housing having a plurality of recesses, each with a telescopic hinge 35 being inserted into a corresponding recess 32 to couple the lid 36 with the housing 21. The recess is also illustrated in the Examiner's marked up version of Figure 6 shown on the following page.



With respect to claims 6 and 8, note the telescopic hinge 35 of Wakeman shown in Figure 6 includes a plurality of segments--hinge segment 33, hinge segment 31, and hinge segment A, wherein at least one of the hinge segments is disposed in the recess in the housing 21.

With respect to claims 7 and 9, as illustrated by the dotted lines in Figure 6, hinge segment 31 and hinge segment A are slidably engaged with each other.

With respect to claims 11 and 17, Figure 5 of Wakeman shows two telescopic hinges, each having a plurality of extensible segments (hinge segment 33 and hinge segment 31 illustrated above), the two hinges pivotally coupling the lid 36 to the housing 21. The applicant should note that hinge segment 33 is extensible from a horizontal orientation to a vertical orientation.

With respect to claims 13 and 14, Figure 6 of Wakeman teaches the first segment (hinge segment 31) comprises a ledge 30 near an end of the first segment, the ledge surrounding an opening (recess) at the end. See the above Examiner's marked up copy of Figure 6.

With respect to claim 15, the second hinge segment (hinge segment 33) as shown in the marked up copy of Figure 6 comprises a latching member (the joint or hinge connecting element 33 with element 31) operable to engage with the ledge 30.

With respect to claim 18, the Examiner's marked-up version of Figure 6 shows a hinge segment 33 comprising a channel operable to accept a pin to pivotally couple the lid to the hinge.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (US 4,150,896) in view of Moore et al. (US 3,832,937). With respect to claim 10, as outlined in the above rejection to claims 1-9, 11, and 13-18, Wakeman teaches all the claimed subject matter except for a third segment in the telescopic hinge. Moore et al. teaches a telescopic device similar to that taught by Wakeman. As illustrated in Figure 3, Moore et al. teach a third segment slidably engaged with another segment. To one of ordinary skill in the art, it would have been obvious to provide a third segment as taught by Moore et al., in the apparatus of Wakeman, in order to increase the expansion capabilities of the telescopic hinge.

(10) Response to Arguments

A. With respect to the first ground of rejection (Claims 1-9)

First, applicant argues that the Examiner has improperly considered a portion of the copier housing 21 to be both the “housing” and “telescopic hinge” recited by independent claim 1, since the Examiner considers the hinge segment A (shown in the marked-up Figure 6) to be a part of the telescopic hinge (shown generally at 35) and applicant contends that this structure “is nothing more than a sleeve bearing installed in the copier housing.” (see remarks, page 5 of Appeal Brief). The Examiner disagrees with this argument for the following reasons. In particular, although the Examiner agrees that the hinge segment A shown in the marked-up Figure does appear to be a

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sleeve bearing installed in a recess in the copier housing, the Examiner is not considering that element to be both a part of the housing and a part of the telescopic hinge. It is clear from the rejection set forth above that the Examiner is considering the housing to be element 21 which includes the recess and the telescopic hinge (which is received in the recess) to be the elements 30, 31, 33 and hinge segment A (i.e., the sleeve bearing).

Furthermore, applicant argues that Wakeman does not teach a telescopic hinge as recited since the support member 25 of Wakeman appears to be formed of a single, rigid body that is not “telescopic” nor does it appear to be capable of providing any telescoping function. Again, the Examiner disagrees with this argument. First, the Examiner is not considering the support member 25 to be the telescopic hinge, but the combination of elements 30, 31, 33, and hinge segment A as set forth in the marked up copy of Figure 6. Furthermore, even if the element 31 of Wakeman is a single, rigid body, it is pointed out that Wakeman refers to these elements 31 as “telescoping positioning rods” for vertical sliding engagement with loose sleeve bearings in the holes 32 in column 3, lines 56-59 and column 5, lines 36-52.

Additionally, the term “telescopic” is defined by The American Heritage Dictionary of the English Language, 4th edition as meaning “extensible or compressible by or as if by the sliding of overlapping sections (emphasis added).” It is the Examiner’s position that the hinge (shown generally by 35 and comprising elements 30, 31, 33, and hinge segment A) is telescopic in that it the elements 30 and 33 are attached to element 31 which can vertically slide within the hinge segment A to allow the copier cover 27 to accommodate different thickness originals. Therefore, it is the Examiner’s position that

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the hinge of Wakeman is “telescopic” given the term’s broadest reasonable interpretation.

B. With respect to the first ground of rejection (Claims 11, 13-15, 17 and 18)

Applicant argues again that the member 25 of Wakeman is not, by itself, a telescopic hinge and that it is improper for the Examiner to consider the hinge segment A (i.e., bearing sleeve) located in the housing to be part of the hinge. Again, the Examiner disagrees and points out that member 25 alone is not considered to be the hinge. Furthermore, there is no reason why the hinge segment A could not be considered to be a part of the telescopic hinge as opposed to a part of the housing structure.

Furthermore, applicant argues that the support member 25 of Wakeman does not include “a plurality of extensible segments” as recited by independent claim 11. Again, the Examiner disagrees with this argument. In particular, the Examiner points out that the claim does not require the plurality of extensible segments to each be telescopic. Therefore, the fact that the telescopic hinge of Wakeman includes hinge segment 31 (which is extensible in a vertical direction) and hinge segment 33 (which is broadly “extensible” from a horizontal orientation to a vertical orientation) meets the claim language as broadly recited.

C. With respect to the second ground of rejection (Claim 10)

Applicant argues that there is no motivation to combine the teachings of Wakeman and Moore since Wakeman does not teach a “telescopic” hinge with any slidable segments, since the Examiner improperly considers the sleeve bearing disposed in the housing to be a part of the support member 25. Again, the Examiner disagrees with this argument because it is the Examiner’s position that it is not improper to consider the sleeve bearing to be a part of the telescopic hinge (and not part of the housing) as noted in the previous response to argument sections A and B.

Furthermore, the applicant argues that Wakeman appears to teach away from the proposed combination, since providing any extension of the Wakeman device as proposed by the Examiner appears unnecessary and would add additional cost since the increased expansion capabilities would be easily obtainable by increasing the length of the post (i.e., positioning rod 31) of Wakeman. The Examiner disagrees with applicant. In particular, although increasing the length of the post in Wakeman might be a possibility to achieve the “increased expansion capabilities”, that option very well may not be cost effective since that would require a larger housing to accommodate the larger post to allow for appropriate securing of the different thickness originals.

Moore was relied upon in the rejection to show a general teaching of a telescopic member having a plurality of slidable engaged telescoping parts is well known in the art. It is the Examiner’s position that, in view of the teaching of Moore, one of ordinary skill in the art would recognize the benefit of providing multiple telescoping segments in the device of Wakeman to provide an extensible/compressible member that has increased

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expansion capabilities without adding to the overall dimension (height/thickness/etc.) of the housing.

In view of the above reasoning, the Examiner is not persuaded of any error in the above set forth rejections.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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tel·e·scop·ic   Pronunciation Key (tĕl'ĭ-skŏp'ĭk)
adj.

1. Of or relating to a telescope.
2. Seen or obtained by means of a telescope: *telescopic data*.
3. Visible only by means of a telescope: *a bright star with a telescopic companion*.
4. Capable of discerning distant objects: *telescopic vision*.
5. Extensible or compressible by or as if by the sliding of overlapping sections.

tel'e·scop'i·cal·ly adv.

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